

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON D. YOUNKER,

Plaintiff,

v.

Case No. 2:11-cv-00749

Judge Gregory L. Frost

Magistrate Judge Elizabeth P. Deavers

**OHIO STATE UNIVERSITY MEDICAL
CENTER, et al.,**

Defendants.

ORDER

This matter is before the Court for consideration of the United States Magistrate Judge's Report and Recommendation filed on June 25, 2013. (ECF No. 109.) The Magistrate Judge recommended that Defendants' Motion for Summary Judgment (ECF No. 90) be granted for failure to exhaust administrative remedies and that Plaintiff's Complaint be dismissed without prejudice.

The Report and Recommendation specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation, ECF No. 109 at PageID# 517.) *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007). The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the

Report and Recommendation. Accordingly, the Court **GRANTS** Defendants' Motion for Summary Judgment (ECF No. 90) and **DISMISSES** Plaintiff's Complaint **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE